

AMERICAN PATENT & TRADEMARK LAW CENTER
A PROFESSIONAL CORPORATION
PATENTPENDING.COM®

12702 Via Cortina, Suite 100 • Del Mar, Ca • 92014 • (858) 509-1400 • Fax (858) 509-1677
(Email) Dharms@patentpending.com • (Webpage) www.patentpending.com

RECEIVED
CENTRAL FAX CENTER

August 30, 2006

AUG 30 2006

AFTER FINAL REQUEST FOR RECONSIDERATION

Please send to :

EXAMINER: FAYE FRANCIS

Art Unit 3725

571-273-8300

This reconsideration request was suggested by the Examiner.
Should any fees be required, for this submission, or additionally
required extensions, or for any other reason, to examine or to
maintain the active status of this application, please charge
Deposit Account 07-1338 for any such fees.


Donn Harms

CERTIFICATE OF FAXING

I hereby certify that this correspondence is being
FAXED
on 08/30/2006 to:

EXAMINER: FRANCIS, FAYE

571-273-8300

DONN K. HARMS

**RECEIVED
CENTRAL FAX CENTER**

AUG 30 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: ARAKI

EXAMINER: FRANCIS, FAYE

Serial Number 10/788,535

Group Art Unit: 3725

Filing Date: 02/26/04

For: Dispersing Method and Dispersing Apparatus of Compound

MAIL STOP AF
COMMISSIONER FOR PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

REQUEST FOR RECONSIDERATION

The Examiner in a prior office action indicated claim 8 of the application herein would be allowable if rewritten including interceding claims.

Applicant submitted an amendment which both re-stated the claims in better English to remove language objections, and combined claim 8 with intervening claims.

The Examiner further indicated the substitute claims was not allowable due to new art the Examiner found while searching a separate application, which read on new claim 8 which was previously designated allowable, and issued a final rejection.

In a telephone conversation with the Examiner, the Examiner was kind enough to explain the new objection was based on a published application number 2003000946 and suggest the Applicant request reconsideration of the final rejection and respond if possible with other items to consider.

Applicant respectfully requests that the Examiner reconsider the Dairoku (2003/0008946) reference to which Applicant has now had a chance to review and reply, and, review reconsider the previous Shen (5,611,619).

Regarding the newly cited reference of Dairoku, the planar fins of Dairoku citing in drawing 2 on the telephone, are arranged unlike those of applicant. Dairoku employs the fins for a pump and spirally arranges them in sequence around the rotary shaft 6, and comprises a plurality of first impellers 7a and a plurality of second impellers 7b of which the shapes are different from those of the first impellers. (See paragraphs 126-129).

Dairoku uses the impellers for the stated purpose of forcing liquid from the top of the tank and thus the spiral arrangement, and requirement of impellers of different lengths from the shaft.

Applicant's stirrer vanes all extend an equal length (first distance) from the shaft, which is unlike those of Dairoku. All of the stirrer fins of applicant's device are vertically oriented in-line with the shaft they extend from rather than spirally arranged with working surfaces normal to the shaft axis as in the cited art.

Further, all of applicant's stirrer vanes extend to a distal edge forming a gap between the distal end of the stirrer vanes and stirrer fins extending from the interior wall toward the stirrer vanes. Dairoku lacks the stirrer fins on the interior

wall and the gap between them, and the single length of all the stirrer vanes of applicant's device. It cannot function with these elements for its stated purpose of pumping fluid, since Dairoku requires a spiral arrangement of different lengths to move the fluid and requires no stirrer fins, which would cease the fluid flow of Dairoku.

REGARDING SHEN

The Examiner has indicated that Shen had the elements of applicants claimed device. However, Shen has first mixing blades 52 and second mixing blades 53 which overlap. (See fig 3)

Applicant's device provides that the length the stirrer vanes extend from the shaft, and the protruding distance the stirrer fins extend from the vessel, being such that a gap is formed between the distal end of the stirrer vanes, and the distal edge of the stirrer fins. Applicant's figures show this gap when the distal ends are aligned with the distal edges.

The Oxford dictionary defines "between" as *at, into, or across the space separating two objects.* A "gap" is defined as *an empty space or interval; an interruption in continuity.*

Shen has no gap between the distal ends of the mixing blades. The blades overlap and there is no continuity between the distal edges. The distal ends of the overlapping blades are positioned above the mid section of adjacent overlapping blades. There is no "gap" or empty space across the separation between or interrupting the continuity, of the distal ends of the blades in Shen since they either face the side of the vessel or the shaft, but never each other in a contagious relationship.

In applicant's device the distal ends and distal edges momentarily align and thereby form a gap between or across the space or interruption in continuity, separating the aligned facing distal ends and edges.

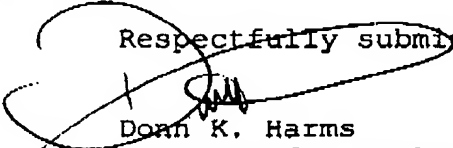
The distal ends of Shen, do not face each other and are never aligned where there is a space between them. The only gap between or across the space separating two objects in Shen is across the space between the long side edges of the overlapping blades. There is not space between the distal ends of Shen as they are never across from each other.

Applicant hereby respectfully requests the Examiner to reconsider the newly found reference of Dairoku, shown the teach a completely different structure and purpose requiring the structure, and that of Shen which has no gaps in-between distal end surfaces since the distances the blades extend in Shen cause an overlap.

If the Examiner is unable to reconsider on such short notice, Applicant respectfully requests that the final be amended to a non-final office action so that applicant can respond to the art found during a search on another matter.

Finally, if the Examiner has any suggestions as to wording that would more clearly define the blades and vanes of applicant's device, and the gap formed between their facing distal edges, which the Examiner feels is clearer, Applicant would be most receptive to the Examiner input.

Respectfully submitted,


Donn K. Harms
Attorney for Applicant
Aug 30, 2006